

Fill in this information to identify your case:

United States Bankruptcy Court for the:

SOUTHERN DISTRICT OF NEW YORK

Case number (if known) Chapter 11

☐ Check if this an amended filing

Official Form 201

Voluntary Petition for Non-Individuals Filing for Bankruptcy

06/22

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and the case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name Fondue 26, LLC

2. All other names debtor used in the last 8 years

DBA The Ainsworth

Include any assumed names, trade names and doing business as names

3. Debtor's federal Employer Identification Number (EIN) 27-0320114

4. Debtor's address

Principal place of business

Mailing address, if different from principal place of business

122 West 26th Street
New York, NY 10001

Number, Street, City, State & ZIP Code

P.O. Box, Number, Street, City, State & ZIP Code

New York

County

Location of principal assets, if different from principal place of business

Number, Street, City, State & ZIP Code

5. Debtor's website (URL) www.The-Ainsworth.com

6. Type of debtor

☒ Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))

☐ Partnership (excluding LLP)

☐ Other. Specify:

Debtor **Fondue 26, LLC**
Name

Case number (if known)

7. Describe debtor's business

A. Check one:

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))
- ☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
- ☐ Railroad (as defined in 11 U.S.C. § 101(44))
- ☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))
- ☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))
- ☐ Clearing Bank (as defined in 11 U.S.C. § 781(3))
- ☒ None of the above

B. Check all that apply

- ☐ Tax-exempt entity (as described in 26 U.S.C. §501)
- ☐ Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. §80a-3)
- ☐ Investment advisor (as defined in 15 U.S.C. §80b-2(a)(11))

C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor. See <http://www.uscourts.gov/four-digit-national-association-naics-codes>.

7225

8. Under which chapter of the Bankruptcy Code is the debtor filing?

Check one:

- ☐ Chapter 7
- ☐ Chapter 9

☒ Chapter 11. Check **all** that apply:

A debtor who is a "small business debtor" must check the first sub-box. A debtor as defined in § 1182(1) who elects to proceed under subchapter V of chapter 11 (whether or not the debtor is a "small business debtor") must check the second sub-box.

- ☒ The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D), and its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$3,024,725. If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
- ☒ The debtor is a debtor as defined in 11 U.S.C. § 1182(1), its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$7,500,000, **and it chooses to proceed under Subchapter V of Chapter 11**. If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return, or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
- ☐ A plan is being filed with this petition.
- ☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
- ☐ The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the *Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11* (Official Form 201A) with this form.
- ☐ The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

☐ Chapter 12

9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?

- ☒ No.
- ☐ Yes.

If more than 2 cases, attach a separate list.

District	_____	When	_____	Case number	_____
District	_____	When	_____	Case number	_____

Debtor **Fondue 26, LLC** Case number (if known) _____
Name

10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor? ☒ No ☐ Yes.

List all cases. If more than 1, attach a separate list

Debtor Relationship
District _____ When _____ Case number, if known _____

11. Why is the case filed in this district? Check all that apply:
- ☒ Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.
- ☐ A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

12. Does the debtor own or have possession of any real property or personal property that needs immediate attention? ☒ No ☐ Yes. Answer below for each property that needs immediate attention. Attach additional sheets if needed.
- Why does the property need immediate attention? (Check all that apply.)**
- ☐ It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.
What is the hazard? _____
- ☐ It needs to be physically secured or protected from the weather.
- ☐ It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).
- ☐ Other _____
- Where is the property?** _____
Number, Street, City, State & ZIP Code
- Is the property insured?**
- ☐ No
- ☐ Yes. Insurance agency _____
Contact name _____
Phone _____

Statistical and administrative information

13. Debtor's estimation of available funds Check one:
- ☒ Funds will be available for distribution to unsecured creditors.
- ☐ After any administrative expenses are paid, no funds will be available to unsecured creditors.

14. Estimated number of creditors
- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> 1-49 | <input type="checkbox"/> 1,000-5,000 | <input type="checkbox"/> 25,001-50,000 |
| <input type="checkbox"/> 50-99 | <input type="checkbox"/> 5001-10,000 | <input type="checkbox"/> 50,001-100,000 |
| <input type="checkbox"/> 100-199 | <input type="checkbox"/> 10,001-25,000 | <input type="checkbox"/> More than 100,000 |
| <input type="checkbox"/> 200-999 | | |

15. Estimated Assets
- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> \$0 - \$50,000 | <input type="checkbox"/> \$1,000,001 - \$10 million | <input type="checkbox"/> \$500,000,001 - \$1 billion |
| <input type="checkbox"/> \$50,001 - \$100,000 | <input type="checkbox"/> \$10,000,001 - \$50 million | <input type="checkbox"/> \$1,000,000,001 - \$10 billion |
| <input type="checkbox"/> \$100,001 - \$500,000 | <input type="checkbox"/> \$50,000,001 - \$100 million | <input type="checkbox"/> \$10,000,000,001 - \$50 billion |
| <input type="checkbox"/> \$500,001 - \$1 million | <input type="checkbox"/> \$100,000,001 - \$500 million | <input type="checkbox"/> More than \$50 billion |

16. Estimated liabilities
- | | | |
|---|--|--|
| <input type="checkbox"/> \$0 - \$50,000 | <input checked="" type="checkbox"/> \$1,000,001 - \$10 million | <input type="checkbox"/> \$500,000,001 - \$1 billion |
|---|--|--|

Debtor

Fondue 26, LLC

Name

Case number (if known)

☐ \$50,001 - \$100,000

☐ \$100,001 - \$500,000

☐ \$500,001 - \$1 million

☐ \$10,000,001 - \$50 million

☐ \$50,000,001 - \$100 million

☐ \$100,000,001 - \$500 million

☐ \$1,000,000,001 - \$10 billion

☐ \$10,000,000,001 - \$50 billion

☐ More than \$50 billion

Debtor **Fondue 26, LLC**
Name

Case number (if known)

Request for Relief, Declaration, and Signatures

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

**17. Declaration and signature
of authorized
representative of debtor**

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on **March 2, 2023**
MM / DD / YYYY

X /s/ Matthew Shendell

Signature of authorized representative of debtor

Matthew Shendell

Printed name

Title **Managing Member**

18. Signature of attorney

X /s/ Anne Penachio

Signature of attorney for debtor

Date **March 2, 2023**

MM / DD / YYYY

Anne Penachio

Printed name

Penachio Malara, LLP

Firm name

245 Main Street, Suite 450

White Plains, NY 10601

Number, Street, City, State & ZIP Code

Contact phone **914-946-2889**

Email address **frank@pmlawllp.com**

(ap-9721) NY

Bar number and State

Fill in this information to identify the case:

Debtor name **Fondue 26, LLC**
United States Bankruptcy Court for the: **SOUTHERN DISTRICT OF NEW YORK**
Case number (if known): _____

☐ Check if this is an amended filing

Official Form 204

Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders

12/15

A list of creditors holding the 20 largest unsecured claims must be filed in a Chapter 11 or Chapter 9 case. Include claims which the debtor disputes. Do not include claims by any person or entity who is an insider, as defined in 11 U.S.C. § 101(31). Also, do not include claims by secured creditors, unless the unsecured claim resulting from inadequate collateral value places the creditor among the holders of the 20 largest unsecured claims.

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
Action Environmental Services 300 Frank W Burr Blvd Suite 39 Teaneck, NJ 07666		Trade & Business Debt	Unliquidated			\$2,494.76
All Around Restoration 18 Mcfarland Avenue Staten Island, NY 10305		Trade & Business Debt	Unliquidated			\$9,000.00
AmTrust Financial 59 Maiden Lane New York, NY 10038		Trade & Business Debt	Unliquidated			\$1,358.48
Avanti Enterprises, Inc. 50 Division Place Brooklyn, NY 11222		Trade & Business Debt	Unliquidated			\$3,925.62
Brooklyn Mills Down to Earth Markets P.O. Box 567 Ossining, NY 10562		Trade & Business Debt	Unliquidated			\$378.00
Cintas Uniform Services 5740 Genesee Street Lancaster, NY 14086		Trade & Business Debt	Unliquidated			\$612.20
Con Edison 122 E. 124th Street New York, NY 10035		Utilities	Unliquidated			\$3,202.85
Dairyland USA Corp. 240 Food Center Drive Bronx, NY 10474		Trade & Business Debt	Unliquidated			\$21,848.82

Debtor **Fondue 26, LLC**
Name

Case number (if known)

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services,	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
Dezer Properties Co. 89 5th Avenue, 11th Floor New York, NY 10011		Trade & Business Debt	Unliquidated			\$272,551.90
DirectTV 2230 E. Imperial Highway El Segundo, CA 90245		Utilities	Unliquidated			\$15,155.94
Global Covergae, Inc. 358 5th Avenue, 8th Floor New York, NY 10001		Trade & Business Debt	Unliquidated			\$4,196.93
Macintosh Linen & Uniform 2255 City Line Road Bethlehem, PA 18017			Unliquidated			\$364.80
Matthew Shendell 115A King Street Brooklyn, NY 11231		Advance to Landlord	Unliquidated			\$100,000.00
NewTek 111 Brickell Avenue Miami, FL 33131			Contingent Unliquidated			\$3,000,000.00
Rose & Joe's Italian Bakery 22-40 31st Street Queens, NY 11105		Trade & Business Debt	Unliquidated			\$3,931.00
Simeon Tambriz et al c/o Lee Litigation Group, PLLC 148 West 24th Street, 8th Fl New York, NY 10011		Class Settlement	Contingent Unliquidated			\$375,000.00
Southern Glazer's Wine 313 Underhill Blvd. Syosset, NY 11791		Trade & Business Debt	Unliquidated			\$10,000.00
Spectrum 396-398 6th Avenue New York, NY 10011		Utilities	Unliquidated			\$397.71
US Small Business Administ. Office of Disster Assistance 14925 Kingsport Rd. Fort Worth, TX 76155				\$2,000,000.00	\$0.00	\$2,000,000.00

Debtor **Fondue 26, LLC** Case number (if known) _____
Name

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services,	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
White Plains Linen 4 John Walsh Blvd. Peekskill, NY 10566		Trade & Business Debt	Unliquidated			\$732.34

ACTION ENVIRONMENTAL SERVICES
300 FRANK W BURR BLVD
SUITE 39
TEANECK, NJ 07666

ALL AROUND RESTORATION
18 MCFARLAND AVENUE
STATEN ISLAND, NY 10305

AMTRUST FINANCIAL
59 MAIDEN LANE
NEW YORK, NY 10038

ANHEUSER-BUSCH CO
200 US-1
NEWARK, NJ 07114

APRIO, LLC
7 PENNSYLVANIA PLAZA
SUITE 210
NEW YORK, NY 10001

AVANTI ENTERPRISES, INC.
50 DIVISION PLACE
BROOKLYN, NY 11222

BROOKLYN MILLS
DOWN TO EARTH MARKETS
P.O. BOX 567
OSSINING, NY 10562

CINTAS UNIFORM SERVICES
5740 GENESEE STREET
LANCASTER, NY 14086

CON EDISON
122 E. 124TH STREET
NEW YORK, NY 10035

DAIRYLAND USA CORP.
240 FOOD CENTER DRIVE
BRONX, NY 10474

DEZER PROPERTIES CO.
89 5TH AVENUE, 11TH FLOOR
NEW YORK, NY 10011

DIRECTV
2230 E. IMPERIAL HIGHWAY
EL SEGUNDO, CA 90245

GLOBAL COVERGAE, INC.
358 5TH AVENUE, 8TH FLOOR
NEW YORK, NY 10001

GREEN CLEAN NYC
101 W. 23RD STREET
SUITE 408
NEW YORK, NY 10011

MACINTOSH LINEN & UNIFORM
2255 CITY LINE ROAD
BETHLEHEM, PA 18017

MANHATTAN BEER DISTRIBUTORS
955 E. 149TH STREET
BRONX, NY 10455

MATTHEW SHENDELL
115A KING STREET
BROOKLYN, NY 11231

NEO BEVERAGES
188 GRAND STREET
SECOND FLOOR
NEW YORK, NY 10013

NEWTEK
111 BRICKELL AVENUE
MIAMI, FL 33131

NYC CLEAN AIR GROUP
154-05 12TH AVENUE
WHITESTONE, NY 11357

RJ LINEN & UNIFORM
305 MACQUESTEN PKWY
MOUNT VERNON, NY 10550

ROSE & JOE'S ITALIAN BAKERY
22-40 31ST STREET
QUEENS, NY 11105

SIMEON TAMBRIZ ET AL
C/O LEE LITIGATION GROUP, PLLC
148 WEST 24TH STREET, 8TH FL
NEW YORK, NY 10011

SOUTHERN GLAZER'S WINE
313 UNDERHILL BLVD.
SYOSSET, NY 11791

SPECTRUM
396-398 6TH AVENUE
NEW YORK, NY 10011

SYSCO METRO NY
20 THEODORE CONRAD DRIVE
JERSEY CITY, NJ 07305

UNION BEER
46 MEADOWLANDS PARKWAY
SECAUCUS, NJ 07094

US SMALL BUSINESS ADMINIST.
OFFICE OF DISSTER ASSISTANCE
14925 KINGSPORT RD.
FORT WORTH, TX 76155

WHITE PLAINS LINEN
4 JOHN WALSH BLVD.
PEEKSKILL, NY 10566

**United States Bankruptcy Court
Southern District of New York**

In re **Fondue 26, LLC**

Debtor(s)

Case No.

Chapter

11

CORPORATE OWNERSHIP STATEMENT (RULE 7007.1)

Pursuant to Federal Rule of Bankruptcy Procedure 7007.1 and to enable the Judges to evaluate possible disqualification or recusal, the undersigned counsel for **Fondue 26, LLC** in the above captioned action, certifies that the following is a (are) corporation(s), other than the debtor or a governmental unit, that directly or indirectly own(s) 10% or more of any class of the corporation's(s') equity interests, or states that there are no entities to report under FRBP 7007.1:

Ains Holding Company, LLC
115A King Street
Brooklyn, NY 11231

☐ None [*Check if applicable*]

March 2, 2023

Date

/s/ Anne Penachio

Anne Penachio

Signature of Attorney or Litigant

Counsel for **Fondue 26, LLC**

Penachio Malara, LLP

245 Main Street, Suite 450

White Plains, NY 10601

914-946-2889

frank@pmlawllp.com